IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

CRP.No. 1162 of 2004

(E.A.O.P. NO..92/2002 of ADDL.DISTRICT COURT,KOTTAYAM)

REVN. PETITIONER/RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
K.S.E. BOARD, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB
ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENT/ PETITIONER:

K.H.SHAHUL HAMEED, S/O. HASSAN RAWTHER,
AGED 51 YEARS, RESIDING AT KAYYALATH HOUSE,
EDAYARIKKAPPUZHA P.O., KANGAZHA VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.JAMES KURIAN
ADV. SRI.SANTHOSH MODAYIL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/12/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.No. 1162 of 2004

ORDER ON I.A.NO.1987 OF 2007 IN C.R.P.NO. 1162 OF 2004

DISMISSED.

14.12.2007 SD/- K.T. SANKARAN, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

K.T. SANKARAN, J.

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C.R.P. No. 1162 OF 2004

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Dated this the 14th December, 2007

O R D E R

For drawing 11 K.V. electric line, 17 high yielding rubber trees, 1 high yielding coconut tree , 5 teak trees, 3 anjili trees, 5 arecanut trees and many other timber trees were cut and removed. The Kerala State Electricity Board granted a compensation of Rs. 5367/-. The respondent herein filed an application for enhancement of compensation under sections 10 and 16 of the Indian Telegraph Act read with section 51 of the Indian Electricity Supply Act. He claimed a total sum of Rs. 1,01,000/-as enhanced compensation. The court below granted a sum of Rs. 7128/- as enhanced compensation.

2. The Board has taken 40% yield from the rubber trees as net yield . The court below, based on the evidence on record , found that 50% of the yield can be taken as net yield . So also on the basis of the decision in ***Kumba Amma vs. K.S.E.B. (*** **2000 (1) K.L.T. 542)**, for the purpose of capitalisation, 5% annuity was taken as the method to be adopted and on that ground it was held that the respondent would be entitled for enhancement of compensation of Rs. 4454/-. Including that enhancement, the total enhancement granted by the court below is only Rs.7128/- . It is to be noted that the court below held that no acceptable evidence was adduced on the side of the respondent to fix the market value of the land for the purpose of computation of compensation for diminution of land value . The court below had taken Rs.3000/- as

market value of the land and 10% of the market value was taken as diminution in land value and awarded Rs.900/- under that head. In the facts and circumstances, this amount is very very low.

The court below has considered the documentary and oral evidence and arrived at the conclusion , which cannot be said to be illegal or perverse. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

K.T. SANKARAN,
JUDGE.

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